

Inter Dominam Reginam,

E T

I N E R R O R

Gawen Maſon.

TH E Paper published, as Mr. Maſon's Caſe, and ſigned by his Council, contain Matters that have no relation to the Record before Your Lordſhips; and tho' the Facts are falſe, he draws Reaſons from them, to induce Your Lordſhips to reverſe the Judgment of the *Queen's-Bench*.

I T is admitted, by the Caſe, that the Court of *Queen's-Bench* gave this Judgment according to the Rules of Law; but that Mr. Maſon was miſtaken in his Pleading, and that therefore the Judges ought to have taken notice of what was never before then upon the Record; and tho' they would not act a Part that would have been ſuch a Reproach to all Law and Reaſon, yet Mr. Maſon, in his Caſe, has the Assurance to ſay, *He hopes Your Lordſhips will reverſe this Judgment.*

THE *Fiſt* and principal Matter in the Caſe is, *That Mr. Tilly, (for whom Mr. Maſon is a Truſtee) is an honeſt Purchaſor of the Inheritance of the Office, under an Act of Parliament, and ought not to forfeit for ſuch a trifling Offence, as one voluntary Escape.*

THE Matter of Mr. Tilly's Purchase is already answered in a Caſe delivered to Your Lordſhips; and if it were now proper, it can plainly be made appear, that he was ſo far from being a *Fair Purchaſor*, that he cheated every body concerned, raiſed a great Sum of Money for himſelf, without Diſburſement, or Merit, but his Fraud, and to arraign the Judgment of Forfeiture for an Escape, is boldly to deſire Your Lordſhips, for the ſake of this *Honeſt Gentleman*, to act contrary to the Ancient, Known, Standing Laws of the Realm.

THE *Second* Matter, in the Caſe, is, *That Emmerſon is the ſingle Evidence to prove Spencer's Escape; and that he was twice burnt in the Hand, and bound in a Bond of 6000 l. for his true Imprisonment, and was found guilty of forſwearing himſelf.*

THIS is already confuted in the former Caſe; for it is altogether falſe, except as to that of the Bond, and that very Matter, upon a Bill of Exceptions, in the Cauſe of the *Queen and Ford*, was brought before Your Lordſhips, and Judgment affirmed, 19 Dec. 1704.

THE *Third Thing* inſiſted upon by Mr. Maſon, is, *That the Eſtate was really in him, and not in Ford; and that it is only the Informality of Pleading, upon which Judgment was given.*

THIS is notoriously falſe in Fact, and is attended with the moſt Black and Horrid Crime that ever came before a Court of Juſtice. Maſon was ſeized in Fee, he conveys to Tilly, by Deed enrolled, that Enrollment is razed, and then he ſets up his Original Title to defeat the Queen. We have the Copy of the razed Record, and Evidence to prove the Fact, ready to be produc'd, and hope for Exemplary Juſtice, from Your Lordſhips, upon that Head.

A N O T H E R Reason, in the Caſe, for Your Lordſhips reverſing this Judgment, is, *The difficulty he was to plead his Title, as the Court of Queen's-Bench expected, becauſe ſome of his Deeds were burnt in the Year 1666.*

A N D yet the Caſe answers it ſelf, for his Title was under an Act of Parliament, paſſed in the Year 1692, whereby the Office was veſted in Fee, in Truſtees, to be ſold, and his Conveyance was from thoſe Truſtees, in 1693, and that enrolled, and the Judges of the *Queen's-Bench* ſeveral times ſaid, *That to plead that Act, and that Conveyance, had been ſufficient.* But the truth of the Caſe was, that he well knew that he had convey'd to Tilly, who had convey'd to Ford, that forfeited, and therefore if he had put in ſuch a Plea, the Attorney General would have reply'd, and the Iſſue muſt have been againſt Maſon, but the Attorney General could do nothing elſe but demur, when he had ſet forth no Title at all.

A N O T H E R Reason, in the Caſe, to induce Your Lordſhips to reverſe this Judgment, is, *That the Forfeiture takes away the Right of ſeveral Innocent Perſons, who have Mortgages upon the Office.*

THIS is falſe in Fact, for every Mortgage, but one, is paid, and diſcharged, and the other is veſted in Tilly, who has receiv'd, ſince the Forfeiture, ten times more than would have diſcharged it. And if there were any Legal Mortgages preceding the Forfeiture, it would do them no hurt, ſince 'tis well known, that by Law, in Caſes of Forfeiture, the Crown takes only ſubject to preceding Incumbrances, and there are no Mortgages before Your Lordſhips.

It is utterly unneceſſary to give an Answer to the Paragraph of there being but One Witneſs, and One Escape found, for the Judgment of Law has cloſed that Matter. But the Truth is, that there were great Numbers of Witneſſes to prove the Escapes that were examined upon the Inquiſition, but at the Tryal were detained, ſome in Dungeons, and others by Violence, Bribes, and other Artifices, from giving their Evidence, and the Matter of Escapes out of the Fleet is ſo notoriously known, that it needs no Answer, for inſtead of One, many Thouſand voluntary Escapes are eaſily to be proved upon Mr. Tilly, and his Under-Wardens; and when One was ſufficient, 'twas needleſs to be at any Expence for Others.

'Tis therefore humbly hoped Your Lordſhips will affirm the Judgment.

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Inter Dominam Reginam,

ET

IN ERROR

Gawen Mason.

THE Paper published, as Mr. *Mason's* Case, and signed by his Council, contain Matters that have no relation to the Record before Your Lordships; and tho' the Facts are false, he draws Reasons from them, to induce Your Lordships to reverse the Judgment of the *Queen's-Bench*.

IT is admitted, by the Case, that the Court of *Queen's-Bench* gave this Judgment according to the Rules of Law; but that Mr. *Mason* was mistaken in his Pleading, and that therefore the Judges ought to have taken notice of what was never before then upon the Record; and tho' they would not act a Part that would have been such a Reproach to all Law and Reason, yet Mr. *Mason*, in his Case, has the Assurance to say, *He hopes Your Lordships will reverse this Judgment.*

THE First and principal Matter in the Case is, *That Mr. Tilly, (for whom Mr. Mason is a Trustee) is an honest Purchaser of the Inheritance of the Office, under an Act of Parliament, and ought not to forfeit for such a trifling Offence, as one voluntary Escape.*

THE Matter of Mr. *Tilly's* Purchase is already answered in a Case delivered to Your Lordships; and if it were now proper, it can plainly be made appear, that he was so far from being a *Fair Purchaser*, that he cheated every body concerned, raised a great Sum of Money for himself, without Disbursement, or Merit, but his Fraud, and to arraign the Judgment of Forfeiture for an Escape, is boldly to desire Your Lordships, for the sake of this *Honest Gentleman*, to act contrary to the Ancient, Known, Standing Laws of the Realm.

THE Second Matter, in the Case, is, *That Emmerson is the single Evidence to prove Spencer's Escape; and that he was twice burnt in the Hand, and bound in a Bond of 6000 l. for his true Imprisonment, and was found guilty of forswearing himself.*

THIS is already confuted in the former Case; for it is altogether false, except as to that of the Bond, and that very Matter, upon a Bill of Exceptions, in the Cause of the *Queen* and *Ford*, was brought before Your Lordships, and Judgment affirmed, 19 Dec. 1704.

THE Third Thing insisted upon by Mr. *Mason*, is, *That the Estate was really in him, and not in Ford; and that it is only the Informality of Pleading, upon which Judgment was given.*

THIS is notoriously false in Fact, and is attended with the most Black and Horrid Crime that ever came before a Court of Justice. *Mason* was seized in Fee, he conveys to *Tilly*, by Deed enrolled, that Enrollment is razed, and then he sets up his Original Title to defeat the *Queen*. We have the Copy of the razed Record, and Evidence to prove the Fact, ready to be produc'd, and hope for Exemplary Justice, from Your Lordships, upon that Head.

A N O T H E R Reason, in the Case, for Your Lordships reversing this Judgment, is, *The difficulty he was to plead his Title, as the Court of Queen's-Bench expected, because some of his Deeds were burnt in the Year 1666.*

A N D yet the Case answers it self, for his Title was under an Act of Parliament, passed in the Year 1692, whereby the Office was vested in Fee, in Trustees, to be sold, and his Conveyance was from those Trustees, in 1693, and that enrolled, and the Judges of the *Queen's-Bench* several times said, *That to plead that Act, and that Conveyance, had been sufficient.* But the truth of the Case was, that he well knew that he had convey'd to *Tilly*, who had convey'd to *Ford*, that forfeited, and therefore if he had put in such a Plea, the Attorney General would have reply'd, and the Issue must have been against *Mason*, but the Attorney General could do nothing else but demur, when he had set forth no Title at all.

A N O T H E R Reason, in the Case, to induce Your Lordships to reverse this Judgment, is, *That the Forfeiture takes away the Right of several Innocent Persons, who have Mortgages upon the Office.*

THIS is false in Fact, for every Mortgage, but one, is paid, and discharged, and the other is vested in *Tilly*, who has receiv'd, since the Forfeiture, ten times more than would have discharged it. And if there were any Legal Mortgages preceding the Forfeiture, it would do them no hurt, since 'tis well known, that by Law, in Cases of Forfeiture, the Crown takes only subject to preceding Incumbrances, and there are no Mortgages before Your Lordships.

It is utterly unnecessary to give an Answer to the Paragraph of there being but One Witness, and One Escape found, for the Judgment of Law has closed that Matter. But the Truth is, that there were great Numbers of Witnesses to prove the Escapes that were examined upon the Inquisition, but at the Tryal were detained, some in Dungeons, and others by Violence, Bribes, and other Artifices, from giving their Evidence, and the Matter of Escapes out of the Fleet is so notoriously known, that it needs no Answer, for instead of One, many Thousand voluntary Escapes are easily to be proved upon Mr. Tilly, and his Under-Wardens; and when One was sufficient, 'twas needless to be at any Expence for Others.

'Tis therefore humbly hoped Your Lordships will affirm the Judgment.